

**Notice of Allowability**

Application No.

10/796,449

Examiner

Daniel L. Greene

Applicant(s)

MUTO ET AL.

Art Unit

3621

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 1/20/2006.
2. ☒ The allowed claim(s) is/are 4-6.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some\* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
- ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
- ☐ Examiner's Amendment/Comment
- ☒ Examiner's Statement of Reasons for Allowance
- ☐ Other \_\_\_\_\_

***Response to Arguments***

Applicant's arguments, see REMARKS, filed 12/19/2005, with respect to the rejection of Claims 4-6 have been fully considered and are persuasive. The Finale Rejection of Claims 4-6 has been withdrawn.

***Response to Amendment***

The Amendments presented on 1/20/2006 to Claims 4-6 have been reviewed and accepted.

***Allowable Subject Matter***

The following is an examiner's statement of reasons for allowance: As per claims 4-6, the closest prior art of record Ginter US 6,253,193 B1 and Deaton US 6,424,949 B1 taken either individually or in combination with other prior art of record fails to teach or suggest a control usage policy that provides a plurality of prices for the predefined ways a content can be used, and putting a limit on selecting a usage content based upon the purchase history or the usage history when selecting a usage content which is not included in the originally received usage control policy that also does not have a corresponding price in the originally received price tag, calculating an accounting price and generating the accounting price based on the purchase history or usage history.

The specific allowable feature, which distinguishes the present invention over the prior art is putting a limit on selecting a usage content based upon the purchase history or the usage history when selecting a usage content which is not included in the

originally received usage control policy that also does not have a corresponding price in the originally received price tag, calculating an accounting price and generating the accounting price based on the purchase history or usage history.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Users Bemoan Licensing Policies; Busse, Torsten; InfoWorld, v14n16, Page: 52-53, Apr 20, 1992.

Two-pronged SDMI scheme counts on audio-player makers, publishers- Internet music-protection plan heads for vote...;(Secure Digital Music Initiative is to Approve Version 1.0 of its specification for portable Internet music device) Electronic Engineering Times, Page;16, July 05, 1999.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Greene whose telephone number is 571-272-6707. The examiner can normally be reached on M-Thur. 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on 571-272-6712. The fax phone

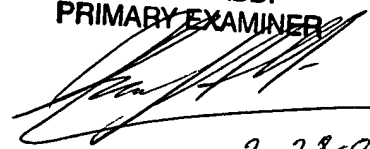
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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Daniel L. Greene  
Examiner  
Art Unit 3621

2/27/2006

**KAMBIZ ABDI**  
**PRIMARY EXAMINER**  
  
2-28-06